

United States District Court
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.

v.

**EYE CARE CENTERS OF
AMERICA INC., ET AL.**

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Case No. 2:11-cv-404

ORDER GRANTING SEVERANCE

Before the Court is Defendants' Notice of Joinder (Doc. No. 110) in Defendants Coldwater Creek Inc., Draper's & Damon's, LLC, and J. Crew Group, Inc.'s Motion to Dismiss for Misjoinder in *GeoTag, Inc. v. Circle K Stores, Inc.*, Case No. 2:11-cv-405 (E.D. Tex. filed Sept. 13, 2011). For the reasons stated in the Court's Order Granting Severance in *GeoTag, Inc. v. Circle K Stores, Inc.*, Case No. 2:11-cv-405 (E.D. Tex. filed Sept. 13, 2011) (Doc. No. 426), the Court **ORDERS** that the claims in the Amended Complaint (Doc. No. 10) in this case be severed in the following manner:

- Plaintiff's claims against Defendant **EYE CARE CENTERS OF AMERICA INC.** should remain pending in Cause Number 2:11-cv-404.
- Plaintiff's claims against Defendant **AMERICAN GREETINGS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **HALLMARK CARDS, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **HICKORY FARMS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SPENCER GIFTS LLC** should be severed into the next available case number.

- Plaintiff's claims against Defendant **INTERNATIONAL COFFEE & TEA, LLC D/B/A THE COFFEE BEAN & TEA LEAF** should be severed into the next available case number.
- Plaintiff's claims against Defendant **THINGS REMEMBERED, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **THE YANKEE CANDLE COMPANY, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BOSE CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GUITAR CENTER INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **PROGRESSIVE CONCEPTS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **24 HOUR FITNESS WORLDWIDE INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BALLY TOTAL FITNESS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BARE ESSENTIALS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BIOSCRIP INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **CRABTREE & EVELYN** should be severed into the next available case number.
- Plaintiff's claims against Defendant **CURVES INTERNATIONAL, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GOLD'S GYM INTERNATIONAL INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **GREAT CLIPS INC.** should be severed into the next available case number.

- Plaintiff's claims against Defendant **L.A. FITNESS INTERNATIONAL LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **LIFE TIME FITNESS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **M.A.C. COSMETICS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **MERLE NORMAN COSMETICS** should be severed into the next available case number.
- Plaintiff's claims against Defendant **VITAMIN COTTAGE NATURAL FOOD MARKETS, INC. D/B/A NATURAL GROCERS BY VITAMIN COTTAGE** should be severed into the next available case number.
- Plaintiff's claims against Defendant **REGIS CORPORATION** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SALLY BEAUTY SUPPLY LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **SEPHORA USA INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **TONI&GUY USA, LLC** should be severed into the next available case number.
- Plaintiff's claims against Defendant **ULTA SALON, COSMETICS & FRAGRANCE, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **VITAMIN SHOPPE INDUSTRIES, INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **EYEMART EXPRESS, LTD.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **LUXOTTICA RETAIL NORTH AMERICA INC.** should be severed into the next available case number.

- Plaintiff's claims against Defendant **NATIONAL VISION INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **U.S. VISION INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **WILD BIRDS UNLIMITED INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **JOS. A. BANK CLOTHIERS INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **BUTH-NA-BODHAIGE INC.** should be severed into the next available case number.
- Plaintiff's claims against Defendant **PSP GROUP, LLC D/B/A PET SUPPLIES PLUS** should be severed into the next available case number.
- Plaintiff's claims against Defendant **RITZ INTERACTIVE LLC** should be severed into the next available case number.

It is FURTHER ORDERED that Plaintiff pay the required filing fee for each additional cause number within **fourteen (14) days** of the date of this Order. Failure to timely pay the filing fee will result in a prompt dismissal without prejudice of that case. *See Johnson v. Atkins*, 999 F.2d 99, 100 (5th Cir. 1993) ("Filing fees are necessary to pay the administrative costs of litigation and, in part, to discourage baseless suits.").

It is FURTHER ORDERED that the current Scheduling Order shall apply to all severed cases.

It is SO ORDERED.

SIGNED this 28th day of August, 2012.



MICHAEL H. SCHNEIDER